

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

March 1, 2016

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Kevin Veitch at 7:30 p.m. On roll call the following members are present: Kevin Veitch, Denise Eskoff, Laura Sanda, Joseph Szpak and Andrew Wine, Alternate. Curt Kolakowski is absent.

February 2, 2016 MINUTES

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of February 2, 2016, as submitted.

VOTE: Ayes: Veitch, Eskoff, Sanda, Szpak, Wine
Noes: None
Absent: Kolakowski,

NEW BUSINESS

G. DAVID EVANS – Area Variances/Interpretation

Case #955, Plank Road

D. Engel, attorney, and D. Evans are present. D. Engel states that D. Evans was present a couple of months ago and since then they have reworked the application in an effort to streamline the request, they have taken out the request for any kind of rulings and have fashioned it simply as an area variance for the lots that comprise the subdivision. The subdivision that was previously approved by the Town had a number of keyhole lots, they were somewhat contrived and resulted in a development that was somewhat chopped up and has hindered the marketability of that development. They are seeking, by their application, to simplify the layout, get away from the compulsion to abide by the keyhole lot requirement and resolve this by seeking a variance so that the majority of the lots would be accessed by roadways or driveways, which would be under a shared driveway agreement. They see it as fiction that the keyhole configuration has any applicability here, and as a use, would be dispensed with. D. Engel states that they have presented the layout as revised, there are a number of lots that would be changed and they request that the application be accepted. They understand that the Board is seeking guidance on this from the Town Attorney and that is fine with them. K. Veitch states that he believes that would be in the ZBA's best interest and the applicant's. Depending on the response we get from the Town Attorney, hopefully sooner rather than later, we won't have to drag this out too long. If by next month we don't have a response, there would be a reason to table it until we get the right information. K. Veitch states that once we contact the Town Attorney, there is no problem with having the Town Attorney speak directly to D. Engel. D. Engel states that he and Mark Schachner have spoken many times. The Board members review the information submitted. J. Szpak asks that some shared driveways would have up to 3 homes on them. D. Engel states that he believes so. The shared driveways were always part of this plan. Nothing changes with this modification. In the past with the shared driveways you had these keyhole arrangements that were covering some of the shared driveways. D. Eskoff asks if the goal is to get rid of the keyhole lots. D. Engel states that their motivation is to come up with a neater, cleaner presentation of the lots to enhance the marketability because right now what they have is something that is kind of chopped up. The shapes and configurations of these lots, for example lot #1 on the existing conditions, has an odd configuration and rather than going out to the existing property line

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because you have to accommodate a piece of lot 3A dropping all the way down to the highway, which was put there just so that you could say that he was touching the highway, but has no actual function. Lot 2 snakes down on the other side of lot 1 under the existing set up, really having no practical purpose and you end up with these oddly shaped lots which are simply not attractive. People tend to look at these lots and say that they are buying real estate that has no real use and doesn't feel like it is a part of what they own. A. Wine asks if an area variance can not only eliminate the keyhole but also let them redraw the shape of the lots. D. Eskoff states that this is pretty outside the realm of a normal area variance which is why we need to get advice. J. Szpak states that it is not an area variance, it is a change from what the Planning Board approved. L. Sanda states that they are asking for the area variance to eliminate the need for the frontage and then they would have to get approval from the Planning Board on the lots. If they can't get the variance on the frontage, there is no point in going to the Planning Board to revise the lots. D. Engel states that he is not convinced that they have to go back to the Planning Board. That is an issue that they will revisit among themselves. These ultimately are lot line adjustments and not all lot line adjustments necessarily require going back to the Planning Board. Ultimately the nature of the project as approved is not being changed. D. Eskoff states that she believes that we have given a frontage variance on at least one of these lots, maybe 2. They have gone to the Town Board for an open development area, come back to the ZBA for an area variance and then to the Planning Board. She asks for an explanation of what is different about what they are asking tonight vs what transpired in those 2 cases. D. Engel states that not having been in those 2 cases, he does not want to speculate. He does want to point out that they are coming here with an improved plan for subdividing this land with defined lots and all they are asking for is a variance from the keyhole requirement so that they can go ahead and make the appropriate lot line adjustments. He thinks that there would be some, to the point about speaking with M. Schachner, D. Engel certainly wants to vet that through a discussion with him and make sure that we are on the same page and if it requires that they go back to the Planning Board, based upon a variance from this Board – if that is the way it is going to be. He is not convinced that that is entirely necessary and on some of these changes it would seem that the lot line adjustments are so minor that there should be no necessity to invoke the Planning Board review or approval. D. Eskoff states that then he does not see a necessity to invoke the Town Board either for any approval regarding road frontage because it has been an issue before with this particular subdivision. She states that because of the Town Road and because these are not approved roads or do not meet the standards of proper roads for this subdivision, or there are issues with them, and there was before, basically we are looking at safety issues, fire trucks, etc. In the past, or at least the last case we did for D. Evans, we sent it to the Town Board. They are the only ones who can approve an open development area and then they send it back to the ZBA who can then approve an area variance. D. Engel states that his view of that is that they are not changing the roads at all; they are not changing the access. The access is exactly the same as it is now. It will all take place under a shared road agreement or shared driveway agreement which is exactly how it had to happen in the first instance because even as this was originally put together, that was a necessity. D. Eskoff states that she just wants to make sure that we are still on that same page. D. Engel states that they are not altering this one bit. The roads stay as they are, the shared driveway agreements will stay as they are and as far as they see it, that issue of access was one that was resolved. The people who looked at this previously, if they were dissatisfied with the access agreement, with the approach to access to these lots, could have rejected it or required something else. D. Eskoff states that the applicant came to the Board within the last 4 years with one of these lots – so a little different order than what they are referring to. D. Eskoff states that we need to find out if we need any correspondence from the fire department to make sure that they are clear on the safety. D. Engel reiterates that they are not changing anything as to the roadways, driveways, etc. D. Eskoff states that it is the access from the roads – because they can't be reached from a proper town road or what is being inferred is a proper town road. It is a question for the Town Attorney. K. Veitch states that the Board is bringing these things up as they may be a concern. A. Wine states that on both maps it looks like there is a shared driveway going thru to lot 9. He questions that that is ok as he was not involved earlier. D. Engel states that that was previously approved. D. Eskoff refers to deed language that has already been approved.

RESOLUTION – G. David Evans, Area Variance

MOTION: D. Eskoff

SECOND: J. Szpak

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RESOLVED, that the Zoning Board of Appeals accepts the application of G. David Evans for area variances for property located on Plank Road, TM#123.-2-11; TM#123.-2-58.11; TM#123.-2-66; TM#123.-2-58.121; TM#123.-2-68; TM#123.-2-67; TM#123.-2-28.12; TM#123.-2-28.11; TM#123.-2-28.31; and TM#123.-2-28.21, as written and sets a public hearing for the April 5, 2016 at 7:30 p.m. contingent upon correspondence with the Town Attorney

VOTE: Ayes: Veitch, Eskoff, Sanda, Szpak, Wine
Noes: None
Absent: Kolakowski

THERESA BARCHUK – Area Variance

Case #958, Locust Grove Road

T. Barchuk is present. D. Eskoff states that this looks pretty straightforward. T. Barchuk states that she would like to put a garage where her turnaround ends on the property. The front yard setback is more than double the required. D. Eskoff asks for clarification on the map. T. Barchuk explains the area in question is just grass, but the propane tank is there and the septic system is in the back, so she wants to maintain access. D. Eskoff asks if the applicant can provide a photo. L. Sanda asks the distance from the garage to the house. T. Barchuk states that it is about 20'. J. Szpak asks what is on the side of the house that might be disturbed. T. Barchuk indicates that the propane tank is on that side. D. Eskoff asks if the applicant has plans drawn up for the garage. T. Barchuk states she does not, she wanted to wait for the results of this request. J. Szpak suggests talking with someone who does construction work regarding what an appropriate space would be so the Board could minimize the variance if at all possible. Most large construction vehicles could fit around 10', but he would have to look to see how this is arranged. D. Eskoff questions that there is a reason for going for a detached vs attached garage. T. Barchuk indicates that she has a picture. K. Veitch states that the distance is also dictated by the Building Code because the fire code has a minimum allowable space.

RESOLUTION – T. Barchuk, Area Variance

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals accepts the application of Theresa Barchuk for an area variance for property located at 945 Locust Grove Road, TM#112.-2-24.4 as complete and schedules a public hearing on April 5, 2016 at 7:30 p.m.

VOTE: Ayes: Veitch, Eskoff, Sanda, Szpak, Wine
Noes: None
Absent: Kolakowski

MATTHEW JASON – Area Variance

Case #959, Allen Road

S. Hodges and M. Jason are present for the application. K. Veitch reviews that this is a single family house that is under construction and it is too close to the property line. S. Hodges states that it was a big mistake and he realized it was 75', they were not told that from the beginning. This is the first time he has run into a 75' setback. D. Eskoff questions that the foundation is in. S. Hodges states it is and it is a little hard to move now. A. Wine questions that they could submit some photos. J. Szpak states that it looks like it lines up with the existing neighboring home. L. Sanda asks if they have the approved site plan for the building. S. Hodges states that there should be one. L. Sanda states that they are building a new house, so wouldn't they have to have a site plan submitted to G. McKenna for review. M. Jason states that he submitted a survey which the Board has a copy of and everything was approved. D. Eskoff questions that they provided any setbacks. M. Jason states that he did not fill it out on the application because he wasn't

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sure what it was. Nothing was said about it. L. Sanda asks if he bought a lot with a house on it. M. Jason states a clear lot. L. Sanda states that they are then building a home on it. She questions that the dashed setback line on the map is the 60'. M. Jason states he does not know because there were no numbers put on anything. He would imagine that is the 75' because that was what was approved. D. Eskoff questions when the other house was built. S. Hodges states that the one next to it is an older house.

RESOLUTION – M. Jason, Area Variance

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Matthew Jason for an area variance for property located at 190 Allen Road, TM#111.-2-73.2 as complete and schedules a public hearing on April 5, 2016 at 7:30 p.m.

VOTE: Ayes: Veitch, Eskoff, Sanda, Szpak, Wine

Noes: None

Absent: Kolakowski

OLD BUSINESS

INTEGRATED STAFFING – Area Variance

Case # 957, Maple Avenue

Peter & Dhianna Yezzi and Kevin Hastings, engineer, are present. K. Veitch states that the ZBA received the Planning Board minutes. J. Szpak states that there was a reminder to the ZBA that although we discussed the buffer on the shared driveway section, that that would have to be a variance to eliminate the need for a buffer. There is a buffer, but it is not on this property. So the variance would have to include a left side yard buffer. K. Hastings states that there is also a left side yard setback of 10' - three variances plus the buffer. D. Eskoff states left side yard buffer, lot size, lot frontage and left side. J. Szpak questions the left side variance. K. Hastings states that the dimensions are 10' and 9.6' so they are asking for 4/10ths of a foot. J. Szpak states that he looked at the property and it is a pre-existing condition, it is set up that way now and looking at how they could productively or effectively use that lot, it is really, really restricted. They have made changes with the parking as requested by both Boards.

A public hearing is opened at 8:05 p.m. There being no public comments, this public hearing is closed.

There is correspondence from the attorney regarding the question of the deed and that has been satisfied. D. Eskoff states that the biggest concern that the Planning Board had was that the other house that shares the driveway is a residential property. We have heard from no one. K. Hastings states that this was all owned by the same family. D. Eskoff states that this is a very commercial type neighborhood and going more so that way every day. This property, from what she could see, was in need of repair and upgrading. It is a very small business and is set up for a very small quiet type business. J. Szpak states that really the only upgrade for the Town would be if someone was able to buy all the lots. He has no issue with this. K. Veitch states that the question would be if there were any way to improve the buffer because the existing buffer is on the neighbor's property. D. Eskoff states that all we can do is give a variance. K. Veitch questions the amount of space between the driveway and the building. K. Hastings states basically 5'. K. Veitch questions if they were to plant arborvitae thru there, something that shields the building a little bit. D. Eskoff states the appearance of a buffer without being a buffer. K. Hastings states that if the concern would be that larger shrubs or bushes would encroach on the driveway. D. Eskoff states that it would have to be something tall. J. Szpak states that the only thing he could see would be if they put up a fence or something, but it would be right up against the building. D. Eskoff questions maybe a stockade fence. J. Szpak states that in looking at it the only thing he thought was a stockade fence, but it would be right up against the house and windows. K. Hastings indicates that the front planting bed would be approximately 3' of vegetation and maybe do

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something along the driveway. P. Yezzi states that one of the things that he was thinking was the white picket fence they are removing from the front, use it elsewhere. D. Yezzi states that she was thinking a couple of tall plants, even though there are windows. D. Eskoff states that something to try to get us a little closer to meeting that requirement. K. Veitch states that the applicant is not going to change the structure, it is still going to look like a house. D. Eskoff states that the practicality is that someone could have bought it and lived in it or rented it. K. Hastings states that they will be doing exterior improvements as noted in the plans. J. Szpak states that if he lived next door to that he would want them to clean it up and paint it. It would be great if they would experiment with things, but he would be nervous about making it a condition because you have to get vehicles thru there, you have to plow in there and it would be a lot uglier with beat up bushes. D. Eskoff states that this is going back to the Planning Board. K. Veitch states that we can send them our minutes to see what was discussed. A. Wine states that depending on what they plant, if we say they have to plant something, there could be an effect on the house side too, where it could impede the structure, cause damage. D. Eskoff states that she would rather leave it open and say that we strongly suggest that they look at options. K. Veitch states that we could say some decorative landscaping that is going to soften it. It is not a buffer, but it is better than nothing. K. Hastings states that he was just asking the applicants if they would consider extending some of the front plantings into that area. The applicant concurs. D. Eskoff states that we think that they will do the best that they can for this property. K. Veitch reiterates that this is a pre-existing condition.

RESOLUTION – Integrated Staffing, Area Variance

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals approves the application of Integrated Staffing for property located at 463 NYS Route 9 (Maple Avenue), TM#153.13-1-28.1, as follows:

- **Lot size of 1.07 acres**
- **Frontage variance of 40'**
- **Side yard buffer of 10'**
- **1' left side yard variance**

This approval is based on:

- **Benefit cannot be achieved by other feasible means**
- **No undesirable change to the neighborhood because this is a pre-existing condition and the improvements made to the property will approve its appearance. This is a mixed use, both residential and commercial, neighborhood.**
- **Although the request is substantial, it has been scaled back as low as possible**
- **There is no adverse physical or environmental effects**
- **This was not self-created and the Board thinks it is a good use of the piece of property as exists**

VOTE: Ayes: Veitch, Eskoff, Sanda, Szpak, Wine

Noes: None

Absent: Kolakowski

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DISCUSSION

A. Wine questions that on the case of the person requesting the detached garage, is it appropriate to ask if other neighbors have detached garages. K. Veitch states that is something that we can do.

Meeting adjourned at 8:15 p.m., all members in favor.

Respectfully submitted,

Lorraine Fiorino